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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,272	04/21/2004	Toshiharu Nakajima	61355-057	5442
7590 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER TO, TUAN C	
		ART UNIT 3663	PAPER NUMBER	
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/828,272	NAKAJIMA, TOSHIHARU	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, 6, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1, 3, 4, 6, and 7, the applicant recites "type(s)" which renders the claim indefinite because it was unclear what "type(s)" was intended to convey. The interpretation was made more difficult by the fact that the zeolites defined in the dependent claims were not within the genus of the type of zeolites defined in the independent claim. Ex parte Attig, 7 USPQ2d 1092 (Bd. Pat. App. & Inter. 1986) (see MPEP 2173.05).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuji et al. (US 20020156570A1) and in view of Morimoto et al. (US 6351706B1).

Regarding claims 1 and 7, Ohtsuji et al. directs to an audio interactive navigation system for motor vehicle comprising: an off-vehicle information storage device which is the management unit (309) of the audio interactive server (105) (Ohtsuji et al, figure 1 and figure 3). The information stored in the management unit (309) includes individual information for each user, and that the information is used as reference for generation of an audio interactive model characterized for each user at the time of service (Ohtsuji et al, page 3, paragraph 0048). The car terminal device, as shown in figure 1 and in paragraph 0036, communicates with the audio interactive server (105) via the telephone line (112). Therefore, Ohtsuji et al. reads on the limitations "an off-vehicle information storage device in which a plurality of different types of information to be provided to a plurality of on-vehicle apparatuses, via a telephone lines, are stored". Ohtsuji et al.

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further teaches "an interactive voice response device configured to allow a user to customize audio guidance used in a subsequent dialogue with the user through an automatic voice response via the telephone line (Ohtsuji et al, abstract; figure 1; page 2, paragraph 0032, the unit 101 realizes user's voice input). Ohtsuji et al. further teaches "an information acquisition device configured to obtain information from the off-vehicle information storage device based upon the dialogue between the user and the interactive voice response device" (Ohtsuji et al, figure 1, audio interactive server 105); and an information transmission device configured to transmit the information obtained by the information acquisition device to at least one of the plurality of on-vehicle apparatuses (Ohtsuji et al., figure 1, communication device 111).

Ohtsuji et al fails to disclose that interactive voice response device configured to store the customized audio guidance in a user information storage device for use in all subsequent dialogue with the user.

Morimoto et al. teaches a vehicle navigation apparatus, in which the data storage unit (3) stores audio/guidance data necessary for route guidance (column 3, lines 34-54), and the central processor (4) executes programs interactive with voice input through the input device (1) and for voice synthesis (column 4, lines 59-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ohtsuji et al. to include the storage device for storing customized audio guidance as taught in Morimoto et al. so that vehicle user can set up his (her) own preference including the automatic guide response.

As to claim 3, Ohtsuji et al. further teaches that the car terminal device (100) includes a speaker (102) that provides audio guidance to a user and to prompt the user a type of information. Ohtsuji et al. additionaly teaches "the interactive voice response device provides audio guidance to prompt the user to specify whether or not the user wishes to receive a pre-registered type of information". For example, after the first voice output received from the audio interactive server (105) for obtaining a request of the user such as "what", the user then provides an audio guidance such as "Route assistance, please" in order to specify that the user wishes to receive the route guidance assistance (Ohtsuji et al., page 4, paragraph 0061).

As to claim 4, Ohtsuji et al. directs to an audio interactive navigation system for motor vehicle comprising: an off-vehicle information storage device which is the management unit (309) of the audio interactive server (105) (Ohtsuji et al, figure 1 and figure 3). The information stored in the management unit (309) includes individual information for each user, and that the information is used as reference for generation of an audio interactive model characterized for each user at the time of service (Ohtsuji et al, page 3, paragraph 0048). The car terminal device, as shown in figure 1 and in paragraph 0036, communicates with the audio interactive server (105) via the telephone line (112). Therefore, Ohtsuji et al. reads on the limitations "an off-vehicle information storage device in which a plurality of different types of information to be provided to a plurality of on-vehicle apparatuses, via a telephone lines, are store". Ohtsuji et al. further teaches "an interactive voice response device configured to allow a user to customize audio guidance used in a subsequent dialogue with the user through an

automatic voice response via the telephone line (Ohtsuji et al, abstract; figure 1; page 2, paragraph 0032, the unit 101 realizes user's voice input). Ohtsuji et al. further teaches "an information acquisition device configured to obtain information from the off-vehicle information storage device based upon the dialogue between the user and the interactive voice response device" (Ohtsuji et al, figure 1, audio interactive server 105); and an information transmission device configured to transmit the information obtained by the information acquisition device to at least one of the plurality of on-vehicle apparatuses (Ohtsuji et al., figure 1, communication device 111).

Ohtsuji et al. further teaches "the interactive voice response device tabulates information provided to a given user in the past and provides audio guidance customized for the user based upon tabulation results" (Ohtsuji et al., page 3, paragraph 0048).

Ohtsuji et al fails to disclose that interactive voice response device configured to store the customized audio guidance in a user information storage device for use in all subsequent dialogue with the user.

Morimoto et al. teaches a vehicle navigation apparatus, in which the data storage unit (3) stores audio/guidance data necessary for route guidance (column 3, lines 34-54), and the central processor (4) executes programs interactive with voice input through the input device (1) and for voice synthesis (column 4, lines 59-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ohtsuji et al. to include the storage device for storing customized audio guidance as taught in Morimoto et al. so

that vehicle user can set up his (her) own preference including the automatic guide response.

As to claim 6, Ohtsuji et al. further teaches “a dialog contents storage device in which contents of a dialogue conducted between the user and the interactive voice response device when providing information to the user are stored, wherein the dialog contents stored in the dialogue contents storage device are indicated to the user” (Ohtsuji et al., figure 1, page 4, paragraph 0062, the car terminal device communicates with the interactive server (105) in which the user dialog contents are stored).

Response to Arguments

The applicant's request for continued examination has been fully considered. However, the application cannot be placed in a condition of allowance because the cited prior art still reads on the limitations of the claims (1-7).

Ohtsuji directs to an audio interactive navigation system including the elements for an interactive voice response. For example, car terminal device (100), mike (101) for realizing voice input, a speaker (102) for providing audible response to user. These devices allows user to customize the audio guidance used in a subsequent dialogue with the user through an automatic voice response via a telephone line (figure 8, and paragraph 0061).

Morimoto et al. directs to a vehicle navigation apparatus, in which the data storage unit (3) stores audio/guidance data usable for route guidance, and the central processor (4) executes programs interactive with voice input through the input device (10 and voice synthesis.

The combination of references of Ohtsuji and Morimoto et al. is thus proper and therefore suggests the claimed limitations of the present application.

For that reasons, the application is set in a condition of final rejection.

Conclusions

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,



Tuan C To

August 27, 2007